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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-fifth session

SUMMARY RECORD OF THE 9th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 9 August 1993, at 10 a.m.

Chairman: Mr. AL-KHASAWNEH

Later: Mr. YIMER

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GE.93-14527 (E)

The meeting was called to order at 10.10 a.m.

CONTEMPORARY FORMS OF SLAVERY (agenda item 15) (continued)
(E/CN.4/Sub.2/1993/30, E/CN.4/Sub.2/1993/31 and Add.1, and
E/CN.4/Sub.2/1993/32)

PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS:

(a) PREVENTION OF DISCRIMINATION AND PROTECTION OF CHILDREN: HUMAN RIGHTS AND YOUTH;

(b) PREVENTION OF DISCRIMINATION AND PROTECTION OF WOMEN (agenda item 16) (continued) (E/CN.4/Sub.2/1993/33)

1. Mr. TOTSUKA (International Fellowship of Reconciliation (IFOR)) warmly welcomed the report of the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/1993/30) and expressed his appreciation of the efforts made by the Working Group in the matter of the slave labour and sexual slavery forced on victims by the Japanese Imperial Forces and Government during the Second World War in respect of which five non-governmental organizations (NGOs), including his own (IFOR) had presented massive evidence to the Working Group at its eighteenth session. Those two gross violations of human rights, which constituted typical war crimes and crimes against humanity, had not been dealt with by the International Military Tribunal for the Far East or the domestic courts in any country, including Japan, except for one case before a Dutch military tribunal. Consequently, the proceedings at the Working Group's eighteenth session had constituted the first public hearing in history by a competent international body in respect of those unprecedented major examples of de facto impunity.

2. Despite the efforts made by the Japanese Government to block scrutiny by the United Nations, its claim that the United Nations had no competence to consider events that had occurred before its creation had been clearly refuted by the Working Group's actions. It was encouraging that the Working Group had decided to transmit the information received concerning the sexual exploitation of women as well as other forms of forced labour during the war, to the Special Rapporteur on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms and to the Sub-Commission.

3. IFOR deeply deplored the extremely negative attitude of the Japanese Government in resolving those issues. In its reply to the United Nations dated 18 January 1965 the Government had denied the existence of slavery or slavery-like practices in Japan despite many appeals from civilian groups in Japan as well as international NGOs. Furthermore, following the Japanese Government's publication of the so-called "Second report on the comfort women issue" on 4 August 1993, it had been reported by the international media that the Government had acknowledged that the Japanese military had forced Asian and European women into sexual slavery for its soldiers during the Second World War and had offered its first full apology for those atrocities. IFOR, however, was afraid that the media had been misled by the Japanese Government, which had not revealed the vital facts and had not admitted any legal

responsibility in international law. IFOR wished to support the view of the Korean Council for Women Drafted for Military Sexual Slavery, which considered that the Japanese Government had failed to engage in faithful fact-finding or to accept the full responsibility which the Korean Council had demanded.

4. The Japanese Government had been totally ignoring the enslavement of 6 million Korean forced labourers during the War, of whom 1.5 million had been forcibly deported to Japan. Neither had it admitted that the "comfort women" had been sex slaves, implying that they had been prostitutes. According to the research carried out by the Korean Council for Women Drafted for Military Sexual Slavery, the victims from Korea had been mostly children and not professional prostitutes. The very nature of military sexual slavery had not been admitted, and the role played in the matter by the leaders of the Japanese Imperial Forces and Government had been totally ignored in the Government's report. The Government had not admitted any legal liability for the punishment of the persons who had committed the war crimes and crimes against humanity or accepted any responsibility in international law for compensating the individual victims.

5. That responsibility needed to be stressed. Japan was a party to the 1930 Forced Labour Convention and to the three major treaties of 1904, 1910 and 1921 designed to suppress trafficking in children and women white slaves, all of which required Japan to punish the persons responsible for the crimes defined therein. The State responsibility of Japan in that regard was clear.

6. IFOR had also compared the Japanese cases of 6 million Korean forced labourers and 200,000 military sex slaves with the Nazi Germany cases. Von Schirach had been found guilty of only crimes against humanity and had been sentenced to 20 years' imprisonment by the Nuremberg International Military Tribunal for deporting the 60,000 Jewish people still remaining in Vienna. Sauckel had been sentenced to death for war crimes and crimes against humanity for his part in a programme under which more than 5 million human beings had been deported for slave labour. IFOR saw no difference between von Schirach or Sauckel and the persons in the Japanese Imperial Forces and Government who had been in charge of the deportation and enslavement of 6 million Korean forced labourers and 200,000 military sex slaves.

7. Mr. OKSU (Liberation) said that Liberation and the Fact-Finding Team on the Truth About Forced Korean Labourers welcomed the fact that the Working Group on Contemporary Forms of Slavery had, for the first time, referred to the issues of forced labour and forced displacement. During the Second World War as many as 6 million Koreans, including children, had been conscripted by Japan as forced labourers, soldiers, civilians in military service, female volunteers and so-called "comfort women". The mobilization of Koreans during the war, the slave labour imposed on them, and the sexual exploitation of Korean women should be regarded as forced displacements of Koreans. Those criminal acts of the Imperial Japanese Government and the Japanese military had been committed as part of the policy of annihilating Korea as a nation by depriving Koreans of their Korean names and language and forcing them to worship at the Shinto shrine. Neither had a full study of that issue been made nor had a sincere apology for it yet been issued. In fact, no action to solve the problem had yet been taken by the Japanese Government.

8. The forced displacement of Koreans had been conducted in pursuance of Japanese national policy and the number of persons to be drafted had been set by a Cabinet decision. The destinations of displaced Koreans had been munitions factories, coal mines and building sites in Korea, Japan, Sakhalin, north east China and the South Sea islands, where they had been detained in heavily guarded barracks. They had been forced to engage in slave labour for more than 12 hours a day. Hundreds of thousands of forcibly drafted Koreans were believed to have died from slave labour, torture, starvation, slaughter and so on. For example, at the end of the Second World War an underground air raid shelter had been constructed at Matsushiro for the Japanese Emperor. Thousands of Koreans had been employed on the construction work and, when it had been completed, hundreds of them had been massacred to keep it secret. The Japanese Government had not made any genuine effort to ascertain the facts. On the contrary, it claimed that the forced displacement of Koreans and the forced labour imposed on them had been lawful acts according to the legislation in force at the time. Consequently, Japan had not paid any compensation to the victims.

9. The International Military Tribunal for the Far East (IMTFE) set up to punish Japan for its war crimes had not taken any clear decision on those problems. After the Second World War the Nuremberg International Military Tribunal had tried Nazi war criminals for the deportation of 5 million foreign workers and the slave labour forced upon them as crimes against humanity, declaring such acts to be crimes against humanity and imposing severe punishments. Regrettably, however, IMTFE had attached importance only to the damage done to the Allied Forces, and no trial had been held in respect of the forced displacement of labourers, including the so-called "comfort women", in Asian countries. IMTFE had punished those responsible for forced labour imposed on Allied prisoners of war and for the maltreatment and forced displacement of Chinese but, although Koreans had accounted for the largest number of forced labourers, their forced displacement and that of victims from other Asian countries had not been closely examined. That was why the issues of forced displacement and forced labour, including the so-called "comfort women", had been left unsettled thus far.

10. The Japanese Government had never voluntarily admitted its responsibility for the forced displacements, forced labour and so-called "comfort women". On the contrary, it had refused to disclose the material concerned and had repeated insincere reports. In addition, just before the end of the war the Japanese had destroyed many documents concerning their crimes for fear of future punishment. At the request of the Allied Forces, the Japanese Government had secretly drawn up lists of some 67,000 Korean forced labourers in 1946 alone. However, that fact had been openly denied by the then Minister for Foreign Affairs in his reply to the Japanese Diet on 3 December 1965. In August 1990 the Japanese Government had recognized the existence of the lists preserved at a library of the Ministry of Labour but it had not yet disclosed them. Liberation's investigation team had obtained lists of some 13,000 of them, which had been submitted to the Working Group in May.

11. As far as the so-called "comfort women" issue was concerned, at first the Japanese Government had indicated that the wartime brothels had been run by private individuals. After the material confirming the active involvement of the military and Government had been discovered, a perfunctory apology had

been made. Liberation's investigation team had discovered, in the Japanese National Public Document Archives, information confirming the fact that a Cabinet decision had been taken on the forcible displacement of women as "comfort women" to Japan. It was claimed that in its latest report the Japanese Government had admitted to coercion of the "comfort women". However, it had made public almost no documents which might have proved the facts. The Japanese Government intended to resolve the issue by making only a passing reference to it and was not showing honest repentance.

12. Consequently, Liberation requested the Sub-Commission to urge the Japanese Government to conduct a thorough fact-finding operation and to apologize fully for the wrongs which it had committed against the Korean people in the past, to press the Japanese Government to present all available materials on forced displacements and "comfort women", to take appropriate measures to ensure that the Japanese Government sincerely carried out its obligation to punish those responsible and to compensate the victims, and to appoint an expert or special rapporteur to prepare a study on slavery and slavery-like practices, including the "comfort women" and forced labour involving Koreans and other victims in Asia and the Pacific.

13. Mr. GARVEY (International Association of Educators for World Peace), speaking on item 16 (a), said that, as an observer representing the 3.5 million members of the United States Students' Association, accredited by the International Association of Educators for World Peace (IAEWP), he wished to highlight several points concerning human rights and youth, particularly the right to education. In order to invest in the future, one must first invest in education today. Education was critical for improving society. An educated population was the major vehicle for bringing about change in the world. As so eloquently stated by Mary Anderson in the 1992 UNICEF publication entitled What are we waiting for?, education for all was a compelling goal. At the meeting held in Thailand in March 1990, educators from 100 countries had issued a statement pledging their nations' efforts to improve the quality of basic education as an inherent human right, and the 1990 Lindblom report on the global education crisis and United States foreign aid had found that social returns on investment in primary education were 28 per cent higher than returns on investment in most other areas.

14. Recent decisions concerning investment in education had directly affected a large portion of the members of his Association. At the federal level, less than 5 per cent of the national budget was allocated to education, while more than 40 per cent was usually assigned to military expenditures. The resultant social implications had been cuts in student services and programmes. At the State level, in 1992 one governor had cut funding for higher education by US$ 500 million and had at the same time requested US$ 5,000 million to build new prisons, even though the State had prisons standing empty. During the sharp decline in services and programmes, fees charged to the individual student had increased by over 100 per cent in the university system and had tripled at the local community college level. Furthermore, owing to State and federal funding cuts, places available for student enrolment had been reduced by 150,000 at the local community colleges and by 20,000 at the State universities in one State alone.

15. Although his Association was primarily concerned with higher education, it could not ignore primary education. There were some impressive gains in the education of children, but many distressing failures still remained. The gains included the doubling of children enrolled in primary school in Africa in the period 1960 to 1985; the fact that in 1992 over three-quarters of the children in Asia went to primary school; the startling gains made in Latin America and the Caribbean both in enrolment figures and the increases in the percentage of GNP being spent on education; and an encouraging increase in the number of additions to curricula, including courses on human rights, women's studies, and ethnic and multicultural studies. However, other reports referred to certain alarming trends in education. In 1992 some 130 million children worldwide did not have access to basic education; 40 per cent of the world's students were projected to drop out of school before finishing basic education and would be illiterate when they reached adulthood; quality education was being sacrificed in the name of the economic survival of institutions; and inappropriate funding policies were being implemented, typified by the large sums of money paid to senior university officials.

16. Fortunately, serious consideration was being given to the rectification of that situation. It was encouraging to note that Commission on Human Rights resolution 1993/78 had been adopted without a vote. However, some surprise must be expressed at the Commission's satisfaction with the number of States that had ratified or acceded to the Convention on the Rights of the Child, since certain key members of the Commission had failed as yet to ratify that important instrument.

17. His organization and IAEWP urged the Sub-Commission to request the Commission on Human Rights to call upon States to implement the basic human right of education for all. Education was a contract between a student and a society, yielding benefits for everyone. Some models were being developed in which monies invested in such a contract during the education process required individuals to apply their knowledge during a period of service which would directly benefit the community, in which people in different occupations worked positively with one another. Article 29 (d) of the Convention on the Rights of the Child captured that vision when it referred to the preparation of the child for "responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes and friendship among peoples ...". That could, and must, be achieved.

18. Ms. SPALDING (International Association of Educators for World Peace (IAEWP)), speaking on item 15, said that it certainly defied logic that, according to Mr. Muntarbhorn's report (E/CN.4/1993/67 and Add.11), all countries had been found to have evidence of the sale of children, child prostitution and child pornography, varying only in type and degree, especially when some Governments categorically denied the existence of such abuses in their countries. It also defied logic that all means available were not only not being exhausted but were hardly being tapped to investigate and deter trafficking in children's organs. Every effort must be made by NGOs, Governments, intergovernmental agencies and United Nations bodies to enable the Special Rapporteur to have access to whatever he needed to expose that heinous crime against humanity. The Working Group on Contemporary Forms of Slavery, in its recommendations concerning the removal of organs from children (E/CN.4/Sub.2/1993/30, p. 34) expressed concern that in spite of the

persistence and the amount of information received on the matter, neither Governments nor ICPO-INTERPOL had confirmed the existence and the extent of the phenomena. It was heartrending to hear that a local official, while admitting to such facts in his area, still stated that it was not his business. Consequently, IAEWP strongly supported the Working Group's request that the Secretary-General should invite all relevant bodies to investigate allegations and to indicate any measures taken to counteract them by reporting to the Working Group at its nineteenth session as well as the Working Group's request that the Special Rapporteur and the Working Group should cooperate more closely.

19. Although encouraged by Commission on Human Rights resolution 1992/74, which had adopted the Programme of Action for the Prevention of Sale of Children, Child Prostitution and Child Pornography, as well as by Commission resolution 1993/79, which had adopted the Programme of Action for the Elimination of the Exploitation of Child Labour, IAEWP noted with grave concern that the Commission on Human Rights, at its 1993 session, had not taken any action on the draft programme of action for the prevention of trafficking in persons and the exploitation of the prostitution of others (E/CN.4/Sub.2/1991/41, annex I). It looked forward to the reports of countries on that subject at the current session, in compliance with Commission decision 1993/112, which requested States that had not acceded to or ratified the international conventions on slavery to explain why. IAEWP strongly urged the Sub-Commission to appoint both a special rapporteur to update Mr. Bouhdiba's report (E/CN.4/Sub.2/479), as it had been authorized to do by Commission decision 1993/112, and to support the suggestion that a special rapporteur should be appointed at least on the issue of child labour, if not to examine all forms of contemporary slavery.

20. It was interesting to note that most of the 21 government responses to the Working Group noted in document E/CN.4/Sub.2/1993/31 and Add.1 merely referred to existing or soon-to-be-created legislation or penal codes rather than to programmes of action for prevention, correction or rehabilitation. Of them, nine amply confirmed the fact that the sale of children was seen mostly in illicit adoption activities. It was encouraging to note that as early as 1982 Brazil had set up a mechanism that was to be both preventive and punitive in that domain, establishing a computerized system to monitor all foreign adoptions. IAEWP was further encouraged to note, in the report of Finland, that The Hague Conference on Private International Law was in the process of preparing new conventions on the adoption of foreign children and it looked forward to seeing them. Some countries had referred eloquently to the need to support the family as a deterrent to the sale of children, while others had strongly pointed to poverty as a root cause of, albeit no justification for, the various manifestations of contemporary child abuse.

21. The silence on the issue of human organ farming was almost complete. The United Nations Trust Fund for Contemporary Forms of Slavery cited "lack of funds" as its biggest problem. IAEWP congratulated the five new members of the Board of Trustees of the Fund and pledged them its practical support in overcoming their many difficulties. Nevertheless, it would be interesting to know who had been approached for help. For example, had businesses with good labour records been invited to provide donations, and was a list going to be drawn up of countries and companies that committed violations so that it could

be widely disseminated? Were other countries going to follow the Harkin bill model expanding the "good faith" notion while being careful not to be protectionist economically but preventionist morally? IAEWP was encouraged by the intentions of India to rectify matters in that area. It was not enough for a Government to state that there was no evidence of the sale of children for labour purposes in its territory. Were countries monitoring imports or, even better, making it clear that they were checking workshop and local manufacturing practices and would adjust their orders accordingly? The same applied to overseas investors. The business world had a high ethical role to play and was capable of taking a leading part if it had the will.

22. As far as child prostitution was concerned, it was somewhat alarming to note that in the countries which had responded to the Working Group, boys were often not given legal protection or, if so, were not given protection equal to that provided for girls. The sale and use of children for prostitution often ended in the editing rooms of child pornography producers. Thanks were due to Germany for its frank report in that respect. At the personal request of the Special Rapporteur on the sale of children, she had made several preliminary contacts with some of the major news programmes well known for their intense and courageous investigative reporting. Their response had been quite positive. The Working Group had requested the Secretary-General to invite the media to help. It would be useful if the members of the Sub-Commission could advise on how the opportunity already presenting itself could be most effectively put to use. If the appropriate media attention were to be turned onto the illicit practices under consideration, the resulting "heat" would be blistering. A very exciting approach had recently been made by the media. A programme that at present covered the globe via 122 stations and controlled over 80 per cent of the United States teenage viewing market had asked to come to Geneva to include the Sub-Commission's work in its series. The presenters were teenagers themselves. As the Working Group recommended, IAEWP felt that it was important to have young people participating in issues that directly concerned them.

23. Another door had started to open. Just as UNICEF had ambassadors like the late Audrey Hepburn, so there were personalities deeply committed to human rights who wanted to form a cadre of Human Rights Ambassadors from the arts. That development could have several positive effects on the Sub-Commission's work.

24. Mrs. ATTAH expressed appreciation of the work of the Working Group on Contemporary Forms of Slavery which had led to the drafting and subsequently the approval of the Programme of Action for the prevention of the sale of children, child prostitution and child pornography. The Sub-Commission had been requested by the Commission to submit to it, every two years, a report on the state of the implementation of the Programme of Action by States. The first report (E/CN.4/Sub.2/1993/31 and Add.1), had indicated that a number of States had provisions in their national legislation to deal with the perpetrators of those odious practices. States which had not yet reported were urged to do so as soon as possible.

25. Child molestation practices had assumed alarming proportions and must be stamped out as a matter of urgency. Child prostitution affected male and female alike and the age of the victims was lowering; the issue should be of

great concern to the international community. Children of economically disadvantaged families, particularly street children, were the most vulnerable group. States should take urgent steps to protect those children and rehabilitate them.

26. The draft programme of action for the prevention of the traffic in persons and the exploitation of the prostitution of others, also prepared by the Working Group on Contemporary Forms of Slavery, had been adopted by the Sub-Commission but had not yet been approved by the Commission. It was well known that unscrupulous persons were luring young girls and women into prostitution abroad by promising them lucrative employment in hotels, restaurants or fruit picking, only to enslave them in prostitution. Those unfortunate women were required to pay exorbitant rents and were unable to open bank accounts or obtain good medical attention because they did not possess proper immigration papers. They were at high risk of contracting the HIV virus. States should assist in breaking those practices by repatriating such women to their countries of origin as well as prosecuting those responsible for their fate. It was heartwarming that the General Assembly, in its resolution 46/122, had approved the establishment of a United Nations Trust Fund for Contemporary Forms of Slavery. She hoped that States and private organizations would contribute generously.

27. She was also pleased that the Commission on Human Rights in resolution 1993/79, at its forty-ninth session, had adopted the Programme of Action for the Elimination of the Exploitation of Child Labour which had been submitted by the Sub-Commission and had also requested the Sub-Commission to submit to it, every two years, a progress report on the implementation of the Programme of Action. The Commission had likewise authorized the Sub-Commission to appoint a special rapporteur to update the report on the exploitation of child labour and to include in that report the problem of debt bondage.

28. The problem of child labour as well as the related problem of street children would exist as long as people and families continued to live below the poverty level. In many third world countries, recession had raged for over 15 years and, because of the debt burden, the end was not yet in sight. Commodity prices remained low and the population continued to expand, especially among the rural poor. Since poor countries could not support the cost of social security mechanisms, disadvantaged families had been obliged to rely on child labour to perform domestic chores, farm work and other economic activities and to help raise the younger members of the family. Unless the economic situation improved there was little hope that developing countries could eliminate child labour in its totality. What could however be accomplished was to prevent children from participating in certain industries which posed great danger to their lives. The case of street children should be studied by individual States so that satisfactory solutions could be found. She had also studied with interest the other issues included in the report of the Working Group (E/CN.4/Sub.2/1993/30) and, in general, shared the views expressed therein on forced labour, slavery, child soldiers and incest; she awaited further elaboration of those issues. She also supported the recommendations of the Working Group contained in pages 32-42 of the report.

29. Mrs. WARZAZI said that it was a matter for regret that a majority of the members of the Working Group on Contemporary Forms of Slavery had been absent from many meetings during the eighteenth session. If absences and delays were due to administrative problems, the Secretariat should take appropriate action; if, on the other hand, the experts themselves were responsible, the issue should be addressed when nominations were proposed so that those experts whose workloads might be prejudicial to their regular attendance could decline the offer of nomination.

30. The many problems faced by hundreds of millions of children and women throughout the world were of particular concern and she fully shared the views of the many non-governmental organizations which had spoken on the issue.

31. She recalled that, in 1987, she had been the first expert to raise the problem of the odious traffic in children as providers of human organs. At that time she had deplored the fact that desperate poverty-stricken parents should be driven to sell children and even babies to be carved up by unscrupulous surgeons in order to supply a disgraceful market for human organs for the benefit of the children of the rich. She recalled that she had later been approached by one delegation which had tried to convince her that no such traffic existed and that the allegations were part of a defamatory campaign inspired by the cold war. Later however international organizations, including in particular WHO, had proved that delegation wrong. Interested non-governmental organizations must take a firm stand against the perpetrators of that traffic in a number of developed countries. INTERPOL should treat such traffic as being within its competence.

32. On the issue of slavery, Mauritania had been the first country which had had the courage and honesty to accept a mission of inquiry consisting of experts of the Sub-Commission. She would suggest that the Centre for Human Rights should study, in cooperation with concerned Governments, the problems involved in the effective implementation of the laws relating to such harmful practices and should coordinate efforts with the concerned special agencies to provide assistance to Governments. In the case of Mauritania, any further inquiry should be conducted by the Sub-Commission.

33. Where other countries were concerned, the Sub-Commission might again use missions. She had always favoured dialogue between Governments and United Nations organs and the Sub-Commission should do everything possible to encourage the practice.

34. Previous speakers had referred to the issue of detention of young children and the lamentable conditions of such detention and had cited conditions in a number of developing countries. The Sub-Commission should urge Governments to implement the provisions of the Beijing Rules which guaranteed that minors in trouble with the law should receive treatment consistent with their age and needs. In that connection, non-governmental organizations might focus on practices in developed as well as developing countries.

35. Much attention had been paid to the problems of migrant workers, but consideration should also be given to the fate of clandestine immigrant children. In March 1993, the United States Supreme Court, by a seven to two

decision, had authorized the provisional detention of children suspected of having entered the United States clandestinely. Such a decision seemed inconsistent with respect for the rights of the child and she hoped that the issue might be taken up by interested non-governmental organizations.

36. She recalled that several years earlier an in-depth study (E/1983/7 and Corr. 1 and 2) and a number of recommendations on the issue of women exploited for the purposes of prostitution had been made by a Special Rapporteur appointed by the Secretary-General, Mr. Jean Fernand-Laurent. The report and recommendations had however seemingly been consigned to oblivion. Many suggestions relating to the problems of women had been made over the years but financial problems had always been cited as a means for avoiding action. The mandate of the special rapporteur to be appointed to study the issue of violations against women should be enlarged to encompass all problems concerning women, in order to give greater weight to the recommendations of the Vienna Declaration and Programme of Action. She would support the use of the 1503 procedure in order to achieve results.

37. She would favour the appointment of a High Commissioner for the Rights of Children who would receive complaints and open discreet dialogues with a view to ensuring that Governments took all necessary measures to combat all violations against children. The High Commission should also establish links with financial institutions, regional organizations and national and international non-governmental organizations with a view to implementing projects for the improvement of the lot of children in many countries. ILO should study the working conditions of children.

38. She did not agree with the position taken by some non-governmental organizations concerning measures to be taken by Governments regarding the acceptance of products manufactured by children. The issue was difficult for non-governmental organizations which were not on the spot. For example, following visits by non-governmental organizations, the Moroccan Government had closed carpet factories in which many children were employed. The first to protest against that measure had been the parents of the children concerned. The result had been that new measures had been implemented by the Government to ensure proper working conditions, including appropriate wages, for those children. That might be a model for other countries.

39. In conclusion, she wished to point out that the United Nations Voluntary Trust Fund for Contemporary Forms of Slavery was inadequately financed. If it should prove impossible to finance it properly, the Fund should be abolished. Might it not however be possible to invite arms manufacturers to contribute the cost of perhaps two missiles each year to the Fund?

40. Mrs. DROZ (International Abolitionist Federation) said that the 1949 Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others continued to be the inspiration for the work of the Working Group on Contemporary Forms of Slavery. It needed, however, to be adapted to cope with alarming new developments in the fields with which it was concerned. An additional protocol was needed in order to update the Convention. More immediate however was the need to implement the Working Group's programme of action.

41. Mr. Martenson, formerly Under-Secretary-General for Human Rights, had defined the purposes of the programme of action as being a broader and well-coordinated informational and educational campaign, directed by the United Nations, to make children and the public in general aware of the health and other dangers inherent in the abuse of the rights of children and women, particularly the sexual abuse of children, their mothers and other women. The programme of action had also recommended rehabilitation programmes for children and their families who had been victims of sexual abuse and called for the strengthening of the law for the protection of children. It also recommended heavier penalties for those involved in the slave trade and the greater involvement of INTERPOL, the World Tourist Organization and religious and secular organizations.

42. Her organization urged the Sub-Commission to do everything possible to ensure that the programme of action was implemented as quickly as possible, bearing in mind that the escalation of all forms of slavery, including prostitution, threatened the whole of humanity.

43. Ms. SHIN (Commission of the Churches on International Affairs of the World Council of Churches) said that the issue of so-called "comfort women", raised at the previous session of the Sub-Commission, concerned some 200,000 Asian women, mostly Koreans but also women from the Philippines, Taiwan, China, Malaysia, Indonesia and even the Netherlands who, between 1932 and 1945, had been forced to become sex slaves of the Japanese Imperial Army. In 1991 the survivors of the ordeal had started to come forward and recount the painful experiences of how they were taken by force, sexually violated, tortured, and abused as sex slaves as well as being forced to serve as nurses, take care of the laundry, give their blood to be used in transfusions for wounded Japanese soldiers, and finally deserted or killed at the end of the war.

44. The issue had been brought to the attention of the United Nations because the demands of the organizations representing the victims had not been met by the Government of Japan. Their representatives had demanded a thorough investigation and full disclosure of the facts, punishment of those who were responsible and reparation for the victims and their families and for the families of those who had been killed.

45. The Japanese Government's response to the demands had been evasive and superficial. Its initial denial of any involvement on the part of the military or the Government had been disproved by the military documents and evidence found by civilian researchers in Japan and Korea. During a visit to the Republic of Korea in January 1992, the Japanese Prime Minister had been obliged to apologize and acknowledge "some involvement" on the part of the Japanese army. The Government of Japan had, however, failed to make a full investigation into documents kept in ministries and other government agencies.

46. On 26 July 1993, the Documentation Centre of War Responsibilities of Japan had announced the discovery of new evidence in army records. The material had clearly showed that the policy on "comfort women" had been established, ordered and implemented at the highest level of the Japanese Army.

47. In view of the continued demands of the victims and organizations representing them, the Government of Japan had issued its second report on the question of wartime "comfort women" on 4 August 1993. The Government had admitted that the Japanese military had been, either directly or indirectly, involved in the establishment and management of comfort stations and the transfer of "comfort women". It had also admitted that the "comfort women" had been recruited against their will, through coaxing or coercion and that, at times, administrative or military personnel had played an active role in recruitment. Although the Government of Japan had acknowledged that the "comfort women" lived in misery at comfort stations and that the policy, with the involvement of the military authorities, had seriously impugned the honour and dignity of many women, the study was far from satisfactory. The Korean Council for the Women Drafted for Sexual Slavery by Japan, in its statement issued on 4 August 1993, had pointed out that the study carried out by the Government avoided and distorted many important facts.

48. Most importantly, the nature of the "comfort women" had not been defined. Unlike the Japanese women, who had been professional prostitutes and had consented to being "comfort women" for the army, with their parents' permission, the "comfort women" from Korea had been innocent young girls who had been subjected to sexual abuse. Secondly, it was misleading to say that recruitment was conducted mainly by private individuals complying with requests made by the military. On the contrary, recruitment had been carried out for the most part by the military and the Government, especially after 1939. Thirdly, the Government had stated that it was virtually impossible to determine the total number of "comfort women" as there were no documents indicating either their total number or giving enough evidence to provide an estimate. However, the army records gave at least some indication of how many "comfort women" there had been.

49. In addition, the Government of Japan had failed to mention any possible punishment of the criminals or reparation for the victims. Just as the Germans were still punishing the Nazi criminals and paying reparation to the victims, so those who were responsible for the crimes of military sexual slavery should be punished and reparation paid to the victims of gross violations of human rights.

50. The Working Group on Contemporary Forms of Slavery, at its eighteenth session, had dealt extensively with the issue of military sexual slavery during wartime and had decided to transmit information received in that regard to the Special Rapporteur on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, and to the Sub-Commission for its consideration (E/CN.4/Sub.2/1993/30, p. 40).

51. The World Council of Churches called on the Sub-Commission to take all the necessary measures to address the problem. In particular, it should appoint an expert to investigate the war crimes of military sexual slavery. Unless the international human rights community intervened, the full facts surrounding such gross violations of human rights would never be established.

52. Mrs. SCHREIBER (International Movement Against All Forms of Discrimination and Racism) said that despite the difficulties facing the world

and the general atmosphere of apathy and indifference, there were times when the people of the world demonstrated their determination to overcome their problems. The same determination had been in evidence during the World Conference on Human Rights in Vienna, when thousands of non-governmental organizations had proclaimed their desire for justice, humanity and solidarity. However, the glimmer of hope dimmed when, with almost total impunity, women and children continued to be massacred, maltreated and mutilated and were the victims of every form of sexual, racial, social and religious discrimination.

53. The time had come for the Member States of the United Nations to demonstrate their political will to enforce respect for human rights and give body and form to the Vienna Declaration which, although providing an exhaustive list of human rights, fought shy of indicating how they should be implemented.

54. She said that, in a world of racism, xenophobia and selfishness, she had, nevertheless, been stunned to read of an incident in a privileged country in which 10 children of between 3 and 10 years of age had been abandoned at its borders without papers and alone, far from their families and friends. Since 1 July 1993 they had been kept within the confines of the airport transit zone under the supervision of the authorities and could remain there for two months. Unfortunately, the incident was not an isolated one.

55. Throughout the world, women and children were the victims of innumerable acts of violence, including humiliation, persecution, kidnapping and execution. Such crimes were being committed daily in every country of the world. The women who attended the World Conference on Human Rights in Vienna had provided many examples, some of which were all too familiar, including the example of street children being murdered by death squads in Brazil, or of women in Iran who were being humiliated, harassed, kidnapped and inevitably faced a terrible death.

56. For those reasons, the International Movement Against All Forms of Discrimination and Racism believed that the demands made by women and children's spokespersons at the World Conference were of particular importance. The Vienna Declaration needed to be consolidated through positive action, with the United Nations organizations ensuring that measures were taken and emergency procedures adopted to improve the situation. The non-governmental organizations had made many proposals to that end, including the establishment of an international criminal court to protect and strengthen women's rights and pass judgement on those guilty of flagrant and systematic violations of their rights. Similarly, they had called for universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women and the withdrawal of the reservations entered which undermined both the Convention's purpose and effectiveness. They had further proposed that a special rapporteur should be appointed on the question of discrimination, violence, sexual exploitation and the traffic of women and children. NGOs had also suggested establishing a procedure under which the Committee on the Rights of the Child could receive complaints and information submitted by non-governmental organizations concerning serious violations of the rights of children and young persons.

57. Mr. MUNTARBHORN, Special Rapporteur of the Commission on the sale of children, child prostitution and child pornography, said that the forty-fifth session of the Sub-Commission was particularly significant, coming as it did, in the wake of the World Conference on Human Rights. Paragraph 12 of the Vienna Declaration and Programme of Action (A/CONF.157/23) had highlighted the issue of childrens' rights and the message contained was of relevance in terms of his mandate and of the work of the Sub-Commission.

58. It was a sad fact that the sale of children, child prostitution and child pornography were universal problems, affecting all countries to a greater or lesser degree. In previous reports, various aspects of the problems had been addressed, including the link between socio-economic disparities, supply and demand, criminality, and the need for a pluridisciplinary approach. During the previous year, however, other concerns had arisen. Firstly, there was the problem of the increasing transnationalization of the sale of children. As the situation seemed to improve in one country, problems arose in another part of the world, thereby perpetuating the problem. The case of the Eastern European countries, as a new market, was most pertinent, particularly with regard to inter-country adoptions. Furthermore, the sale of children for sexual exploitation was related to transnational trafficking between developing and developed countries, between developing countries themselves and between the developed countries. Problems were further aggravated by cross-frontier abductions and disappearances. Secondly, there was a problem of technology. Just as new technology could help to protect children, so it could also be used to abuse them. That was particularly relevant with regard to certain practices akin to the sale of children. Notably, while in vitro fertilization and surrogacy could be justified for humanitarian considerations if carried out in accordance with ethical principles, they were giving rise to increased commercialization. The new technology which had made it possible to transplant organs could also subsume children and others in a trade in organs. Thirdly, there was a growing problem in terms of security. Although the threats to global security had subsided on many fronts, conflicts still existed or had developed, and were often related to ethnic discord. Children were often used in such conflicts to transport arms to the combatants or even called upon to fight. Children were often the victims of warfare, which resulted in deprivation and displacement, and ultimately led to instances of commercialization in the sense that orphans and abandoned children of war could become candidates for placements or adoptions which could be linked to commercialization. Fourthly, crime and corruption was a growing concern. The sale of children was the product of crime. Although child labour was not a new phenomenon, criminal syndicates and individual exploiters were manipulating children in new ways and using them as instruments of crime. The use of children to sell drugs, to steal and commit other offences was part of a wide range of abuses which had emerged in recent times. Much of that was linked with corruption within national systems and the fact that many elements of law enforcement authorities colluded actively or passively with criminal elements. There was a huge divide between legislation aimed at protecting children and the loopholes in law enforcement.

59. In discharging his mandate, he had placed great emphasis not only on appraising the global situation concerning the sale of children but also on visiting countries so as to obtain first-hand information. Thus far, he had visited the Netherlands, Brazil, Australia and Nepal.

60. With regard to the sale of children for adoption, the Convention on the Rights of the Child brought together many fundamental principles aimed at protecting children. It called for authorization of adoptions by competent authorities, exploration of adoption possibilities in the country of origin before examining the potential of inter-country adoption and action to be taken against improper financial gain. The initiative had been given greater impetus by the finalization of a new international convention on inter-country adoptions under the auspices of the Hague Conference on Private International Law. Furthermore, the Commission on Human Rights had adopted a Programme of Action for the Prevention of the Sale of Children which emphasized various mechanisms for protecting children, such as the need for inter-country adoptions to be processed by authorized agencies. Where there was a link with abductions, the Hague Convention on the Civil Aspects of International Child Abduction, 1980, helped to trace abducted children and facilitated their return. There were, however, continuing reports of the sale of children for inter-country adoptions from parts of Central and South America. In eastern Europe, there was an increasing commercialization of adoptions whereby children were exported to other countries. North America was a key destination. In the United States of America, there were reports of local sales of children taking place internally, and links with abductions. There were additional reports of the sale of children through local and inter-country adoptions, or parallel practices, in all parts of the world, including Asia, Africa and Australia.

61. The International Labour Organisation had provided a great deal of information on the sale of children for the purposes of exploiting their labour. At the international level, there were various agreements which provided protection for child workers, including the ILO Minimum Age Convention (No. 138), the Convention on the Rights of the Child, and the Convention on the Protection of Migrant Workers and Members of Their Families.

62. The Sub-Commission had contributed to the process of child protection through the elaboration of more effective standards and implementation on behalf of the child, as, for example the adoption of the Programme of Action for the Elimination of the Exploitation of Child Labour, which proclaimed the need for a range of measures including an extensive information campaign, improved education, social action and aid, and labour standards to protect children.

63. At the national level, while laws on child labour were ubiquitous, enforcement was often inadequate. Instances of exploitation could be found throughout the world but, quantitatively, Asia and South America figured high in terms of the number of children facing exploitation. Several reports had been received of children being used in camel racing. In that regard, there was a link with the trafficking and abduction of children, particularly from India, Pakistan and Bangladesh, to the Gulf States. Discrimination against young girls was a serious problem, and included the practice of the forced marriage of young girls in South Asia. The trafficking of children between Laos, Myanmar, China, Cambodia and Thailand had also become more evident and was related to the sexual exploitation of children.

64. The exploitation of child labour was becoming more prevalent in developed countries. The case of the United States was indicative of the trend. New

forms of exploitation were emerging in Europe in countries such as Portugal and Russia. There were many reports of abuses in South American and Africa, particularly in view of the shift of children from rural to urban areas and the increasing number of street children. In Australia, children were sometimes used to commit crimes on behalf of adults.

65. With regard to the sale of children for organ transplantation, the situation was highly sensitive. At the international level, although there was no international instrument on the issue of human organ transplantation, the implication of the Convention on the Rights of the Child was clear in so far as it stated that the sale of children for that purpose was illegal. That stance had been supported by various guidelines issued by the World Health Organization. During 1992, reports had been received of threats to children in Central and South America. The South Asian region was renowned for its trade of organs, and the potential use of children for that purpose should be monitored closely. During a recent visit to Nepal, the police had reported a case of the trade of organs into a neighbouring country. On the basis of other reports, it seemed that, in Africa, there might be certain ritual sacrifices and ceremonies which used children's organs. Regrettably, the authorities were reticent about addressing that issue and where inquiries had been made, the results had not been adequately publicized.

66. The use of fragments of human foetus and the reproductive system for various unethical purposes, such as surrogacy arrangements for a price, had also given rise to commercialization which needed to be dealt with.

67. A number of countries had been facing an increasingly serious problem in terms of the abduction and disappearances of children. There were various reasons for the abductions and disappearances, including family disputes over custody, the activities of criminal elements and political and military motives.

68. The issue of child soldiers was a continuing cause of concern and widespread in many parts of the world, despite international and national laws regulating or prohibiting the use of children in armed conflicts. Sometimes, children were kidnapped and forced to join the armed forces. Sadly, the spread of ethnic violence encouraged the enlisting of children into the armed forces.

69. With regard to child prostitution, there were many international instruments relating to slavery, trafficking and the exploitation of women and children. The most recent instrument, the Convention on the Rights of the Child, called for measures against the inducement or coercion of a child to engage in any unlawful sexual activity, and prohibited the exploitative use of children in prostitution. The Commission on Human Rights' Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography called for more information, education, legal and social measures, law enforcement, development assistance, rehabilitation and reintegration, and international coordination.

70. However, the situation at the national level remained daunting. cross-frontier trafficking of women and children was widespread in various parts of the world, particularly Asia. The problem was linked to sex tourism.

The sex tourists, such as paedophiles, visiting the region included people from Australia, North America, Europe, Japan and the Middle East. The physical and psychological threats to children were of particular concern, as many were lured and tricked by criminal elements into prostitution. Some were incarcerated in brothels in various countries and were threatened with contamination with the HIV/AIDS virus.

71. The trafficking of children in South Asia and South-East Asia for sexual exploitation was regrettably widespread. Tragically, girls forced into prostitution were sometimes arrested as "illegal immigrants" and placed in prison pending their return to their country of origin. As many of those girls had not entered the country of their own free will, they should be exempted from having to comply with local immigration law and treated as cases of humanitarian concern.

72. The tide of child prostitution had also increased in Africa, Europe and North America. In Central and South America, there was a link with the phenomenon of street children. The practices of European paedophiles from countries such as Germany, Switzerland and Scandinavia in developing countries had led to a call for an extension of the criminal jurisdiction of those countries "extra-territorially" to cover criminal acts committed by the country's nationals against children abroad. Australia was presently drafting legislation along those lines.

73. With regard to the question of child pornography, again the Convention on the Rights of the Child mentioned the need for measures against the exploitative use of children in pornographic performances and materials. The trend was to criminalize the possession of child pornography and to tackle new forms of technology which were being used for pornographic purposes.

74. The problem of child pornography was rampant in Europe. There had recently been a case of the use of telephone networks in France (Minitel) to offer the sexual services of children. North America had also been identified as an important market for the sale of child pornography. In Asia and Africa there were reports of an increase in child pornography in video tapes. The use of children in pornographic performances had also been reported elswhere.

75. In 1992, he had communicated with a variety of countries with regard to the problem of child pornography. These included communications to: Austria, concerning the alleged promotion by Lauda Air of sex tourism oriented towards paedophilia in Thailand; Germany, concerning a publication entitled Spartacus, which promoted sex tourism, child prostitution and child pornography; Saudia Arabia and the United Arab Emirates concerning the alleged use of children from South Asia in camel racing; Thailand, concerning the alleged recruitment of girls for prostitution and their maltreatment. Inevitably, most of the countries denied that such practices were taking place on their territory. On a more positive note, at the beginning of 1993, he had received reports of legislative changes in the United Arab Emirates to protect children against being used in camel racing.

76. The report (E/CN.4/1993/67 and Add.1) submitted by him to the Commission in 1993 included several recommendations which were of relevance to the work of the Sub-Commission. The first recommendation was that updated information

on areas of concern to his mandate should be collected by all countries and made available to him. He would welcome any relevant information from members of the Sub-Commission. At the national level, a focal point should be identified or established to liaise with the Special Rapporteur and with the Sub-Commission. More field visits to both developing and developed countries were essential to enable him to undertake a realistic appraisal of local situations and to reinforce the work of the Sub-Commission. The Sub-Commission and other relevant bodies were invited to encourage the dissemination of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, and the Programme of Action for the Elimination of the Exploitation of Child Labour. Effective implementation of such programmes should be stressed and sufficient resources allocated at all levels, and States should be urged to report on progress made to the United Nations on an annual basis. Furthermore, the Sub-Commission should encourage direct access to and dialogue with those who had been abused and victimized. Concerted action to prevent child exploitation should be promoted particularly among development agencies, the police and other law enforcement personnel (including Interpol), the mass media, the business community, community leaders, military authorities, policy-makers, parliamentarians, non-governmental organizations and groups working with young persons and children. With regard to the business sector which was often in an exploitative position with regard to children, a code of conduct for child protection should be encouraged. With regard to the use of children as child soldiers, the minimum age for military service should be raised to 18, and a dialogue with the military authorities was required on that issue. In view of the focus in 1993 on indigenous peoples and, in 1994 on the role of the family, the concerns of indigenous children should be highlighted on the one hand, and the need to enhance the role of the family and child protection on the other. In addition, there was a need to promote extensive education and training on children's rights as a follow-up to the Vienna Declaration.

77. The area of prevention should be given particular attention. Prevention was often dependent upon effective inter-disciplinary anti-poverty strategies, access to improved information flow, education, increased community consciousness raising and mobilization, the satisfaction of basic needs, vocational opportunities and alternative forms of employment for families. As many forms of sale of children, child prostitution and child pornography were related to a decline in and disintegration of the family structure, measures to reverse the decline, including social assistance facilities and family and child subsidies were required. As an essential root cause of child exploitation and enslavement was criminality, anti-crime measures should be expanded and community participation as part of a "community watch" programme should be maximized.

78. With regard to protection, calls were being made for more effective laws and policies and their subsequent implementation at the national and local levels. As all countries already had laws which could be used to protect children, their implementation should be ensured. Where there were legislative loopholes, States should consider the possibility of adopting specific laws against the sale and trafficking of children, child prostitution and child pornography.

79. In many parts of the world, the quality of the police force, immigration officials, judges, inspectors and other law enforcement authorities needed to be improved. Low pay and insufficient training in children's rights often resulted in poor law enforcement. Incentives and in-service training was needed to improve performance.

80. The responsibility of the business sector and the customer, with regard to child exploitation needed to be highlighted; and exploitative industries and customers of children in prostitution and pornography should be incriminated. With regard to the malpractices of those who went abroad to commit crimes against children in other countries, particularly as part of sex tourism, the criminal jurisdiction of the countries of origin should be extended to cover the acts of their nationals even when perpetrated abroad. The possibility of the extradition of such criminals should be explored. Formal or informal mutual assistance arrangements between different countries could be established along with the exchange of police personnel between the sending and receiving countries affected by the sale of children and exploitation.

81. With regard to rehabilitation, more effective remedial action needed to be taken to help children who had been abused and exploited. Such action could include judicial remedies, such as the prosecution of abuses, together with legal aid and assistance, and/or socio-medical remedies such as hospices, counselling and other supportive facilities.

82. Particular attention needed to be paid to the problem of the traffic in children between different countries. Bilateral and regional cooperation was needed along with effective safeguards for the children to allow them to return to their countries of origin, with independent monitoring to ensure their safety. Increased facilities were needed to help children with health problems, including those infected with the HIV or AIDS virus. They should include medical and community facilities to assist children and their families, as well as measures to protect them against discrimination.

83. In conclusion, he said that he would greatly welcome support and assistance in mobilizing the international and national communities to respond to the strategies identified in his recent report to the Commission.

84. Mr. Yimer took the Chair.

85. Mr. BOUTKEVITCH thanked the Chairman/Rapporteur for the comprehensive and topical report of the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/1993/30) and said that he had some comments to make on the issues raised in it with relation to the problems of children in eastern Europe.

86. The countries of eastern Europe had taken the path of democracy, independence and freedom, and were actively supported in that endeavour by the world community. His own country, Ukraine, was, for instance, grateful to all those who had given invaluable help to the children of Chernobyl in the form of medical assistance and holidays. Cuba alone had provided medical treatment for tens of thousands of Ukrainian children.

87. However, those countries did face problems and some of them lay in the methods they were using to resolve them. In the transition to a market economy there were certain people, so-called entrepreneurs, who wanted to become rich without working and who saw nothing wrong in using child labour. Child labour had hardly existed before the recent changes but was now on the increase and in many of the east European countries there were no mechanisms to regulate it. Children were working in unhygienic conditions often with no safety provisions for very little money.

88. Another problem concerned the exploitation of religious feelings. Eastern Europe had been mostly atheist but the process of change in those countries had had its effect on the religious situation. Yesterday's atheists were now today's evangelists, preying on children. The newspaper Izvestia had published an article on 28 July 1993 on one such group which had branches throughout Europe, the United States of America and Israel. The leader had started to refer to himself as God and to his wife as the Mother of the World. They attracted children into their organization and then persuaded them to stop studying, refuse medical treatment and leave their parents. According to the media, they used child labour and with the money they made from it travelled throughout the world. He wished to draw attention to the organization because its newspaper had said that 12,000 people must die as a sacrifice for the Mother of the World and, as he had pointed out, the organization had mostly recruited children. Therefore, he would like to conclude by asking for close attention to be paid to eastern Europe and the processes taking place there.

89. Mrs. MBONU said that one of the notable achievements at the World Conference on Human Rights had been the recognition of women's rights as human rights and another had been the acknowledgement that the rights of women were constantly violated.

90. Television and other reports of widespread and flagrant violations of women's rights in Bosnia and Herzegovina in particular and the world in general were extremely distressing. In Bosnia massive, organized and systematic rape was being committed. She had been relieved that the Security Council had decided to establish an international tribunal to prosecute persons responsible for all those grave violations of the Fourth Geneva Convention and of international law.

91. Women's rights were being violated in five major areas, namely, human rights abuse in the family, war crimes against women, violations of physical integrity, social and economic rights and political persecution and discrimination. Woman was meant to be man's companion and not the subject of sexual harassment and physical abuse. Men who thought that they were showing their sexual superiority by abusing women in the family or by turning them into sexual objects or slaves as had been the case during the Second World War and unfortunately in the latter part of the twentieth century, should be challenged.

92. It was clear that violations of women's rights, especially the military sexual slavery which was currently taking place in Bosnia, was able to continue because the perpetrators of the same crimes during the Second World War had gone unpunished. The worst thing that could happen to a woman was for

her reputation or dignity to be harmed. That was why she felt that any rapist who violated the dignity of any woman unquestionably deserved the death sentence.

93. Without wishing to pre-empt the study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms (E/CN.4/Sub.2/1993/8), she would like to endorse all the forms of reparations contained in chapter IX of the report and said that all women whose rights had been violated should be entitled to all the restitutions, compensation and rehabilitation mentioned in the study. Most importantly, the perpetrators or violators must make an apology to their victims, including public acknowledgement of the facts and acceptance of responsibility. That would to a large extent go to restoring the reputation and dignity of the victims and it was only after the public apology that any monetary settlement could be considered.

94. The draft Declaration on the Elimination of Violence against Women, prepared and adopted in March 1993 by the Commission on the Status of Women, had been submitted for adoption by the General Assembly. In the draft Declaration States were called upon to pursue by all appropriate means and without delay a policy of eliminating violence against women. NGOs fighting for the rights of women, to whom she wished to express her deepest and most sincere appreciation, should not relent but should ensure that the principles and guidelines contained in the Declaration were incorporated by all States in their national legislation and implemented in favour of all women.

95. Mr. MARTA (The International Work Group for Indigenous Affairs) said that The International Work Group for Indigenous Affairs wished once more to draw the attention of the Sub-Commission to the issue of forced labour instituted by certain Governments. Slavery was one of the worst crimes against humanity and was at its ugliest when instituted by a Government and practised on a mass scale. When that occurred, severe international action was justified to stop it.

96. Such was the situation in Burma where the ruling military junta was increasingly using the entire civilian population for slave labour, while trying to pass off the slavery to the world as "voluntary labour" or as some kind of Burmese cultural tradition. It was neither.

97. As the Government continued its military offensives against ethnic peoples throughout the country, forced portering continued to be a dreaded form of slavery nationwide. The Government now admitted to forcing civilians to carry its ammunition and supplies through rugged terrain but claimed it only took young, strong, unemployed men for that work and that it paid them wages. However, escaped porters testified that they were never paid and were kidnapped from their farms and villages where there were no unemployed because everyone was struggling to survive. Men and women were taken, aged from 14 to 70 and above. According to people who had experienced it women were taken as porters so that Karen soldiers would not shoot at the Burmese military and men and women porters were sent ahead to find landmines. Porters wounded in battle were left to bleed to death without treatment. Girls as young as 15 were held as porters for over a month and raped almost every night. Many were pregnant when they finally returned home.

98. Once back in their villages, the horror of slavery did not stop. As part of the Government's campaign to terrorize and subjugate the Karen civilian population, villagers could no longer work more than two days a week in their fields to support their families because they were constantly forced to work for local troops and even had to bring their own food, building materials and tools when labouring for no wages. The military constantly sent orders to villages demanding labour and thousands were now fleeing to hide in forests or become refugees in Thailand.

99. The slavery was not confined to areas where opposition forces were active. Even in Shan State, where the Government boasted of cease-fires with some groups, it continued to take porters. Since October 1992, several thousand Shan farmers had been forced onto cattle tracks and taken south to be used as porters in the government offensive against a Karen area. When the fighting had died down the Shan men had been kept on and forced to build a military supply road. Shan State was also the centrepiece of the Border Areas Development Programme (BADP) which the Government claimed was improving the lives of ethnic peoples in border areas. However, Shan villagers said that the Programme involved confiscating their land for army camps and State-run farms. The farmers were forced onto very poor land then forced back to do slave labour.

100. Another BADP project was the notorious Loikaw-Aung Ban railway. Despite the Government's claims that more than 799,000 volunteers had contributed labour to the project, hundreds of refugees who had fled from it said the labourers were definitely not volunteers.

101. His organization was sad to report that the Border Areas Development Committee still received funding and support from at least seven United Nations agencies, despite the fact that the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar had recently reported in document E/CN.4/1993/37 that BADP "labourers died most frequently as a result of constant beatings, insanitary conditions, lack of food and lack of medical treatment".

102. Mr. Al-Khasawneh resumed the Chair.

103. Mrs. LACOURT (International Federation Terre des Hommes) said that child labour was gaining ground in many countries, including industrialized countries, with the rise of poverty and general economic difficulties.

104. The causes were well known and included hopeless poverty, parental unemployment or underemployment, unproductive agricultural systems and unfair pricing structures, irrelevant or non-existent educational bodies, ethnic discrimination, mass migration due to armed conflict, ecological destruction, famine and flight from rural to urban areas. The fact that children needed to work to feed themselves or their families was sometimes used as a justification for child labour. However, the International Federation Terre des Hommes considered harmful any form of forced, slave-like activity which deprived children of their childhood, a crucial period of physical, mental, psychological, social and cultural development.

105. During the eighteenth session of the Working Group on Contemporary Forms of Slavery, her organization had highlighted the use of children as domestic slaves in Haiti. That form of slavery existed together with other more visible forms of slavery in many other regions and countries.

106. Aside from agriculture, which was still the largest employer of children in India, other important sectors using child labour included the glass industry, the carpet industry, match and firework factories, construction and rag-picking. The glass industry was particularly dangerous with children carrying blazing glass stuck on to iron rods, and in the match industry, children mixing chemicals in boilers had their lungs filled with toxic fumes, suffered from intense heat and risked bad burns. Shivakashi in Tamil Nadu employed 50,000 to 70,000 children in match and fireworks factories while the glass factories of Ferozabad in Uttar Pradesh employed 5-7,000 children. There were countless rag-pickers throughout the country, a number of them working with toxic substances.

107. India had ratified the Convention on the Rights of the Child, recognizing that children must be protected from all forms of exploitation. At the same time, however, the Government had stated in its instrument of ratification that for several reasons, children at different ages worked in India, having prescribed minimum hours and conditions of employment and added that it was aware that it was not practical immediately to prescribe minimum ages for admission to each and every area of employment. That left the door wide open for continued exploitation by all those who preferred the status quo.

108. In 1986 the Child Labour (Prohibition and Regulation) Act was to set standards by legalizing the employment of children in industries or sectors without identifying hazardous activities such as the glass or match and fireworks industries. At the same time, it set no guidelines to avoid the exploitation of children in the agricultural sector, their major employer.

109. The Government of India had also initiated a national policy on child labour in 1988. Close to 6,000 children benefited from rehabilitation programmes, but that was a drop in the ocean considering that a 1983 survey had already established a figure of 17.3 million working children in the country. Her organization welcomed both initiatives and all efforts made along with the ratification of the Convention, but they were not enough. The various facets of child labour must still be vigorously addressed, and not only in India. They included raising awareness of employers, corporations, industrial bodies, trade unions, government bodies in all States, as well as the purchasers of child-made products and the public at large, both in India and abroad. In particular, the parents of those children needed support and skills training in order to generate alternative supplementary income while obtaining the release and rehabilitation of their working children through appropriate non-formal education programmes and vocational training. Both children and parents must be fully informed of their rights. All industries using child labour must be brought to negotiate in order to eliminate the phenomenon, following the example of the carpet industry (which officially employed some 75,000 children) represented by the India Carpet Manufacturers' Association. Lastly, the often invisible but widely tolerated sector of domestic child slavery must no longer be ignored by official policy at the national and local government levels and by society at large.

110. A nationwide campaign against child labour had been formally launched in November 1992 in order to build awareness of the problem and mobilize efforts for change. The campaign had attracted wide support from Indian and international voluntary organizations. Her organization wished to stress the need for that campaign to be continued through sustained public and official concern and action to eliminate child labour and exploitation.

111. The child labour situation in Pakistan was perhaps even worse. There also they worked by the million in stone quarries, on building-sites, at brick kilns, fisheries, agriculture, in restaurants, households and so on. They had no pay, little food, little clothing, often no shoes and no schooling. Unfortunately, the 1992 Bonded Labour Abolition Act remained largely unapplied.

112. The situation of working children in Peru was similar to that of every large Latin American city. Children as young as seven worked in the streets and in public places. They sold just about anything, from lemonade to drugs, or their own bodies. They did almost any kind of menial work or rummaged through stinking garbage heaps in search of waste to sell. Those were the most visible aspects of children working to earn a few pennies. There were however also tens of thousands of exploited children hidden from public view, mostly girls working as domestic slaves. Of those only about nine per cent received what might be called a salary, while around 84 per cent received nothing at all or only pocket money. From early childhood on those little girls lived under the constraints of neglect and ensuing illness, physical violence and sexual abuse and an overall, imposed sense of being inferior. That negative discrimination prevailed within the family and most of their early aggressors were family members. Some 80 per cent fled and tried to survive elsewhere, mostly as unrecognized and unpaid domestic helpers. It was a situation that was prevalent throughout Latin America: in Mexico there were at least one million, in Brazil one and a half million, and in Colombia half a million girls working in hidden slavery. In Lima alone there were about 122,500 female houseslaves. They had no holidays, no social insurance and no health care. Sixty per cent of the sons of the families where they worked used them for their first sexual experiences. All in all, they were discriminated against, marginalized, unprotected and could rely only on themselves for their survival.

113. The report of the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/1993/30) reflected her organization's general recommendations concerning child household slaves. That document also stated that slavery was a crime against humanity; her organization fully supported that position as well as the recommendation that a special rapporteur on child labour and debt bondage should be designated by the Sub-Commission. It also asked all Governments which had taken some steps towards the elimination of child labour and/or debt bondage to reinforce strongly their efforts in that direction. Furthermore, it vigorously recommended that all countries should work together on that problem to abolish not only the production of goods and services under slavery conditions but also, progressively, their national and international marketing.

114. Mr. GUISSE said that he wished to react to Mr. Boutkevitch's earlier comments on religion. No forms of religious education were bad. Education

was very important to religious groups and, for instance, Islam had developed highly positive, acceptable forms of education. Unscrupulous people who misled children were another problem and should not be used to castigate religion as a whole. It was necessary however to monitor educational content, educators, the situation of children and to punish those people who infiltrated the teaching profession in order to exploit children.

115. Mr. SRISODAPOL (Observer for Thailand), making a statement equivalent to a right of reply, said that at a previous meeting the representative of the International Association of Democratic Lawyers, in illustrating a point she was making about the sale of organs, had claimed that there were about 800,000 child prostitutes in Thailand. That claim derived from an estimate by NGOs which had yet to be statistically proved and confirmed. The Royal Thai Police Department had suggested that it exaggerated the real situation by at least 10 times. In his report to the forty-eighth session of the Commission on Human Rights, the Special Rapporteur on the sale of children, child prostitution and child pornography had referred to the debate on the numbers of child prostitutes and pointed out that available statistics were of ten out of date and incomplete.

116. His delegation therefore wished to appeal to NGOs to refrain from referring to that estimate, since it considered that references to unproven statistics only served to distort the situation worldwide and in Thailand rather than having a positive impact on the efforts to eradicate a problem which was a global phenomenon.

117. His delegation wished to assure the Sub-Commission that the Thai Government was actively addressing the problem through social and economic measures as well as by strengthening legal and law enforcement measures, as mentioned in the report of the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/1993/31).

118. In that connection, his delegation wished to encourage all interested NGOs to address themselves not only to his Government's efforts to suppress the sale of children, child prostitution and child pornography, but also to its efforts to address the root causes of the problem, namely the social and economic dimensions. In addition, measures to tackle the demand side of the equation were of the utmost importance and must be vigorously promoted and pursued.

119. The Special Rapporteur on the sale of children, child prostitution and child pornography had suggested that children forced into prostitution abroad should be exempt from normal immigration laws and granted asylum on humanitarian grounds. While that point had been duly noted, it was the opinion of his delegation that in general the child in question was not fleeing his or her country of origin for fear of persecution and in the best interests of the child the most viable and humane solution would be to repatriate such children, with adequate guarantees of safety from the Government of the country of origin, in order to allow them to rejoin their parents and resume a normal life in their country of origin.

The meeting rose at 1 p.m.